

## **REMARKS**

In the Office Action dated October 30, 2007, claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over van der Weide et al.

Applicant notes with appreciation the interview courteously afforded the undersigned representative of the Applicant on January 16, 2008, wherein this rejection was discussed. The Examiner's Supervisor, Mr. Andrew Johns, also was present at the interview. The following discussion summarizes the discussion at the interview.

At the interview, Applicant presented the position that the van der Weide et al. reference does not disclose or suggest obtaining image data without contrast agent enrichment, as explicitly set forth in the first step of claim 1 of the present application. In response, the Examiner cited the second paragraph in the right column at page 1 of the van der Weide et al. article, which states that a cerebral computed tomography (CT) scan is the first diagnostic study performed of patients with suspected SAH. This paragraph then states further that if the diagnosis is indeed SAH, three-dimensional CT angiographic (CTA) scanning is performed. The Examiner stated this paragraph is the basis on which the Examiner is relying for a disclosure in the van der Weide et al. reference of obtaining image data without contrast agent enrichment.

In response, the undersigned representative of the Applicants stated that it is the position of the Applicants that this paragraph teaches away from the subject matter disclosed and claimed in the present application, because it represents the conventional thinking of using a non-contrast agent enriched CT image solely for an initial screening, from which an initial suspicion of SAH is either confirmed or not. If

the suspicion of SAH is confirmed, then the more detailed diagnosis of the actual SAH condition is undertaken using contrast agent-enriched CT scanning.

In view of the antecedent basis for the terms that are successively used in claim 1 of the present application, it is clear that all of the subsequent steps in claim 1 follow from the initial obtaining of a 3D volume data set from a computed tomography scan without enrichment of the structures with a contrast agent. For example, in the next step, it is stated that from *said* 3D volume data set (therefore meaning the data set obtained without enrichment with a contrast agent) a first 2D x-ray image of the body region is calculated. There is no teaching or suggestion in the van der Weide et al. reference to use the screening CT scan (the only scan disclosed in van der Weide et al. that does not make use of a contrast agent) for such a purpose. Moreover, as also discussed at the interview, there is no teaching or suggestion in the van der Weide et al. reference to “shift” any of the diagnosis that is disclosed therein as being based on the angiographic CT scan, to the CT screening scan. It is true that the van der Weide et al. reference discloses the use of the CT screening scan for minimizing discomfort to the patient, but despite this desirable goal, there is no teaching or suggestion in the van der Weide et al. reference to make any use of the initial CT scan for any purpose other than initial screening.

Based on this discussion at the interview, the Examiner and his supervisor agreed that the rejection under 35 U.S.C. §103(a) based on van der Weide et al. would not be maintained. It was agreed that Applicant would submit a written response, which would be reviewed by the Examiner in the context of an updated search, which the Examiner is required to undertake. If no more relevant art is

located in the updated search, the application would be allowed. If a further relevant reference is located in the updated search, prosecution would then be reopened with a new, non-final Office Action.

The present response does not raise any new issues requiring further searching or consideration (other than the aforementioned updated search, which is required in any event according to PTO procedure), and therefore entry and consideration of this response after the Final Rejection is in compliance with 37 C.F.R. §1.116, and the same is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,



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